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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 10/799,799
Filing Date: March 12, 2004
Appellant(s): CASSONI, ROBERT P.

DEC 12 2007

GROUP 3600

William Gehris
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/19/2007 appealing from the Office action mailed 12/13/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

- a. Regarding the statement of “**Claims 14 to 33**” rejected under 102(a) as being anticipated by St. Clair” was changed to --**Claims 14, 15 and 17 to 33**-- because claim 16 is no longer considered applicable to the rejection as anticipated by St. Clair.
- b. Regarding the statement that “Claims 27 to 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over **Hokaku** in view of Tang” was incorrect and was changed to read -- Claims 27 to 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over **U.S. Patent 4,355,746 issued to Casady (“Casady”)** in view of **U.S. Patent 6,007,031 issued to Tang (Tang’)**.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,061,257	St. Clair	12-1977
JP10-155954	Hokaku et al	6-1998
4,355,746	Casady	10-1982
6,007,031	Tang	12-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 14, 15 and 17 – 33 are rejected under 35 U.S.C. 102(a) as being anticipated by St. Clair '257.

St. Clair shows a mountable device *for* a golf car (figures 1 – 2), wherein the mountable device comprises a frame *for* placement in a bag bay 11 or 12 of a golf car (vehicle 10), a frame section 17 or 21 that contact a bottom of a bag bay and includes an attachment device 29 which contacts a bag holder frame of the bag bay (figure 3), and further includes a first and a second hitch (left side 41, 44a, 47a, and right side 42, 44a, 47a) which are connected to the frame and provide the hitch means for fastening, coupling or temporarily harnessing detachable golf club carriers (figure 2), wherein the hitch elements 41 and 42 at least partially extend downward from the frame section 17 or 21 so as to at have a height similar to a bumper which at least partially extend downward over the bumper of the golf car (figure 1) and is such that the first and second hitches are located side-by-side at the rear of the golf car (figure 1-2) and wherein the first hitch includes *one of* a mount tube 37 and a mount bracket (figure 1), wherein the mount bracket includes a claw (lower curved portion of 18 that supports and holds the bottom of golf club carriers; figures 1 – 4), wherein the hitches temporarily hold and connect the golf bag and carriers and are movable with respect to the frame to rotate the detachable golf club carriers with respect to the frame when in contact with the hitch and would lift at least one wheel with respect to the ground, wherein a first and a second detachable golf club carrier 14 have at least one wheel *for* contacting ground and a golf bag held by a holding device (figure 2, column 3, line 42-43), wherein the carriers are attachable to either one of the first and second hitches and support the entire weight of the carriers when the wheels are off the ground; when the hitches are moved with respect to a portion of the frame 17 as broadly claimed.

Claims 14 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hokaku et al '954 in view of Casady '746.

Hokaku discloses a mountable device comprising a frame 3 with a frame section that contacts a bottom of a bag bay of a golf car (bottom of the bag bay being the bay area where the car frame extends over the wheels; best shown in figure 5 and 8) and includes at least one attachment device (cross bar at the upper end of element 3) which contacts a bag holder frame of the bag bay and wherein the mountable device further includes a hitch at the rear of the golf car that at least partially extends downward over a bumper of the golf car; as best shown in figures 2, and 9, such that the hitch at least partially extends downward from a frame section of the frame so as to at have a height similar to a bumper of a golf car, wherein the hitch is movable with respect to the frame (embodiments 1, 2 or 3) by a driven actuator (self-propelled motor), wherein a first hitch device includes *one of* a mount tube and a mount bracket having a claw 7, wherein the claw is attachable to a detachable device (detachable golf club carrier 2) comprising a golf bag held by a holding device, wherein the detachable golf club carrier has at least one wheel and is supported by the hitch device when the wheel is off the ground, wherein the golf club carrier is rotatable with respect to the frame to lift the wheel (figure 1-4), such that the entire weight of the detachable device is supported by the hitch device as claimed and further discloses lifting a plurality of golf bags 5 (paragraph 11) by the hitch device, but failed to show a second hitch device.

Casady discloses the art of incorporating a plurality of hitches located side-by-side at the rear of a golf car (figure 1) that lift a plurality of individual detachable devices.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mountable device of Hokaku and added additional hitches to the frame of Hokaku golf car; in order to lift and hold (hitch) additional golf club carriers to a single golf car to simple reduce the cost of renting a second golf car when more than two people are playing; as clearly suggested by the multiple hitches of Casady mounting device, which is clearly capable of additionally supporting at least a second detachable device; such as a second detachable golf club carrier, and further to provide a simple alternative means for hitching individual detachable device one at a time; rather than a plurality of device (golf bags) to only one carrier, in order to obtain access to only one detachable device at a time; if desired, as further suggested by individual hitch devices of Casady which would further reduce the cost, weight, stress and possible fatigue and failure on a single hitch device lifting all the detachable devices at once and would further prevent the individual detachable devices from rattling together thus further preventing damage to the detachable devices, although Hokaku only shows the driven actuator of a self-propelled motor 15 to move the hitch device in embodiment three, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have also used a driven actuator; such as a self-propelled motor, to also actuate and drive the other two hitch devices of embodiments 1 and 2 to mechanically actuate and drive the rotatable crank 6 of embodiment 1 or the pivot arms 11 and 12 of embodiment 2; in order to provide a self-propelling means to any one of the hitch devices disclosed by Hokaku to further freely elevate a golf bag carrier using some mechanical means to actuate the hitch device as suggested by Hokaku.

Claims 27 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casady '746 in view of Tang '031.

Casady shows a mountable device for a golf car comprising first and second hitch devices 29, 30 connected to and movable with respect to a frame 11, the frame being connected to the golf car by at least one attachment device 14, the hitch device having one of a mount tube and bracket with a claw 29a and includes a first and second detachable devices being a golf bag carrier that includes a golf bag attached by holding means (top and bottom rings of carrier bag carrier), but failed to show the detachable carriers having at least one wheel for contacting the ground.

Tang shows a golf bag carrier (detachable device) having a golf bag 10 attached by holding means S that includes the feature of at least one wheel for contacting the ground.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified or replaced the golf bag carrier with a golf bag carrier having at least one wheel for contacting the ground as suggested by Tang as it is well known and clearly obvious to one of ordinary skill in the art to utilize wheels on a golf bag carrier in order to wheel the bag around instead of carrying the bag for less fatigue, safety and simply more convenient.

(10) Response to Argument

In response to applicants' argument pertaining to St. Clair. Dependent claim 16 is no longer rejected under St. Clair, However, St. Clair clearly shows a mountable device that has a frame that contacts a bottom surface (i.e.; a bag bay) as broadly claimed, since there is no clear distinction of what constitutes a bag bay; in this case the bumper and rear portion of St. Clair

golf transporting car is perceived as a bag bay, since it is a deck space i.e.; bay area for supporting golf bags and is clearly shown attached to the car by at least one attachment device; as shown in figures 1 and 2 of St. Clair and further discloses hitch elements that clearly provide a harness, fastening or coupling means for temporarily connecting or attaching detachable devices to the car as broadly claimed. The lower curved portion of element 18 provides a claw which holds and supports the bottom of the golf bags, and figure one of St. Clair clearly shows the hitch elements 41 and 42 extending downward over the bumper 11 and shows the attachment device 29 contacting a bag holder frame as broadly claimed.

In response to applicants' argument pertaining to Hokaku in view of Casady, Hokaku clearly supports golf bags that rest in a rear area (i.e.; bay) of a golf car, the bay being an area above the wheels at the rear of the car, wherein a frame is attached to the rear of the car by at least one attachment device as broadly claimed, and has a frame section that contacts a bottom of the bag bay; as best shown in figure 1 and 5, and wherein Hokaku includes a detachable golf club carrier that is rotatable with respect to the frame (embodiment 1), and shows a hitch that is movable with respect to the frame by a driven actuator, such that the hitch includes *one of* a mount tube (pivot pin) of embodiment 1 and mount bracket (embodiment 2 and 3) and includes a claw and wherein Casady is cited for showing the prior art of utilizing more than one hitch device to elevate at least a second or more golf bag carriers individually, rather than in pairs; as further stated above. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of

ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicants' argument pertaining to Casady in view of Tang, Casady clearly shows a plurality of individual hitches, wherein when a detachable device is lifted off the ground, the entire weight of the detachable device would be supported by the hitching device at that moment and therefore reads on the claim as broadly claimed.

(11) Related Proceeding(s) Appendix


No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

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